

REMARKS

The present application includes claims 1-34. Claims 1-34 have been rejected by the Examiner. By this response, claims 1, 8, 13, 15, 21, 22, and 28 have been amended and claim 9 has been cancelled.

Claims 13-14 were rejected under 35 U.S.C. 102(b) as being anticipated by Stephen et al., U.S. Pat. No. 4,302,846 (Stephen).

Claims 1-2, 8-9, 15-18, and 28-29 were rejected under 35 U.S.C. 102(b) as being anticipated by Herman et al., U.S. Pat. No. 4,670,740 (Herman).

Claims 1-3, 5, 7-12, 15-29 and 32-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Augenblick et al., U.S. Pat. No. 3,798,642 (Augenblick) in combination with Carney et al., U.S. Pat. No. 5,446,447 (Carney).

Claims 30-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Augenblick and Carney in further view of Murdoch, U.S. Pat. No. 5,153,583 (Murdoch).

Claims 4, 6, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Augenblick and Carney in further view of Walton et al., U.S. Pat. No. 4,918,416 (Walton).

The Applicant notes that dependent claim 9 has been incorporated into independent claim 8 and claim 9 has been cancelled.

The Applicant next turns to the Examiner's assertion that "This application currently names joint inventors." (Office Action mailed Oct. 5, 2005, pg. 2). The Applicant respectfully

submits that the Examiner's assertion is incorrect; the present application includes only a single inventor.

The Applicant next turns to the rejection of claims 13-14 under 35 U.S.C. 102(b) as being anticipated by Stephen. Stephen relates to a presence detection system. (col. 1, lines 4-7, 49-51). More specifically, Stephen discloses a detection system for "detecting the presence in a checking zone of an article" and "for detecting ... the unauthorised removal of articles." (col. 1, lines 4-10) (emphasis added).

Stephen does not teach or suggest a tracking system as recited in independent claim 13. Rather, Stephen simply detects the presence of an article in a zone rather than tracking at least one of a position and an orientation of a transponder. Claim 13 has been amended to clarify that a tracking system is "capable of determining at least one of a position and orientation of [a] transponder." Thus, the Applicant respectfully submits that independent claim 13 and corresponding dependent claim 14 are not taught or suggested by Stephen. Therefore, the Applicant respectfully submits that claims 13-14 are in condition for allowance.

The Applicant next turns to the rejection of claims 1-2, 8-9, 15-18, and 28-29 under 35 U.S.C. 102(b) as being anticipated by Herman. Herman generally relates to frequency dividers. (col. 1, lines 7-8). More particularly, Herman relates to "an improved frequency divider for use as an electronic tag in a presence detection system." (col. 1, lines 8-10) (emphasis added). Herman discloses using a frequency divider "in a presence detection system that uses a tag containing the frequency divider." (col. 2, lines 25-27). A frequency is detected to "detect the presence of the tag in the surveillance zone." (col. 2, lines 29-30).

Herman does not teach or suggest a tracking system as recited in independent claims 1, 8, 15, and 28. Rather, Herman simply detects the presence of a tag rather than tracking at least one of a position and an orientation of a transponder. Claims 1 and 28 have been amended to clarify that a tracking system is "capable of determining at least one of a position and orientation of [a] transponder." Claims 8 and 15 have been amended to clarify that tracking includes "determining at least one of a position and orientation of [a] transponder." Thus, the Applicant respectfully submits that independent claims 1, 8, 15, and 28 and corresponding dependent claims 2, 9, 16-18, and 29 are not taught or suggested by Herman. Therefore, the Applicant respectfully submits that claims 1-2, 8-9, 15-18, and 28-29 are in condition for allowance.

The Applicant next turns to the rejection of claims 1-3, 5, 7-12, 15-29 and 32-34 under 35 U.S.C. 103(a) as being unpatentable over Augenblick in combination with Carney. Augenblick relates to a "recognition system for identifying one or more groups of harmonic generating targets." (col. 1, lines 6-8). More specifically, Augenblick relates to "personnel and object identification systems." (col. 1, lines 8-10). Augenblick discloses a recognition system that "reliably detects the presence of a particular harmonic generating target." (col. 4, lines 51-54) (emphasis added).

Carney relates to "RF tagging systems in which the resonant frequencies of resonant circuits on a tag are detected to recover an identification code." (col. 1, lines 7-10). More specifically, Carney relates to "an improved RF tagging system wherein an RF tag includes at least one resonant circuit having selectable capacitive and/or inductive components for being resonant at selected ones of different frequencies in a predetermined time sequence corresponding to a predetermined identification code and an external reader for detecting the

selected resonant frequencies and decoding the time sequence of the selected resonant frequencies for recovering the predetermined identification code.” (col. 1, lines 10-20).

Neither Augenblick nor Carney, alone or in combination, teach or suggest a tracking system as recited in independent claims 1, 8, 15, 21, 22, and 28. Rather, Augenblick and Carney simply identify the presence of a target having a certain identification code rather than tracking at least one of a position and an orientation of a transponder. Claims 1, 21, and 28 have been amended to clarify that a tracking system is “capable of determining at least one of a position and orientation of [a] transponder.” Claims 8, 15, and 22 have been amended to clarify that tracking includes “determining at least one of a position and orientation of [a] transponder.” Thus, the Applicant respectfully submits that independent claims 1, 8, 15, 21, 22, and 28 and corresponding dependent claims 2-3, 5, 7, 9-12, 16-20, 23-29, and 32-34 are not taught or suggested by Augenblick and Carney, alone or in combination. Therefore, the Applicant respectfully submits that claims 1-3, 5, 7-12, 15-29 and 32-34 are in condition for allowance.

The Applicant next turns to the rejection of claims 30-31 under 35 U.S.C. 103(a) as being unpatentable over Augenblick and Carney in further view of Murdoch. Murdoch relates to “electronic and inductive communication apparatus.” (col. 1, lines 5-6). More specifically, Murdoch relates to a passive transponder that relates to “a portable, integrated and relatively cheap apparatus advantageously adapted for interrogation and/or identification of an article with which the transponder is associated.” (col. 1, lines 6-15).

As discussed above, neither Augenblick nor Carney, alone or in combination, teach or suggest a tracking system as recited in independent claim 28, from which claims 30-31 depend. Further, Murdoch also does not teach or suggest a tracking system as recited in independent

claim 28, neither alone nor in combination with Augenblick and Carney. Rather, Murdoch simply allows for the identification of an article associated with a transponder rather than tracking at least one of a position and an orientation of a transponder. Therefore, the Applicant respectfully submits that claims 30-31 are in condition for allowance.

The Applicant next turns to the rejection of claims 4, 6, and 31 under 35 U.S.C. 103(a) as being unpatentable over Augenblick and Carney in further view of Walton. Walton relates to an identification system "wherein a plurality of portable card type identifiers can be individually distinguished for authorizing financial transactions, for security purposes and similar individual identification." (col. 1, lines 11-15).

As discussed above, neither Augenblick nor Carney, alone or in combination, teach or suggest a tracking system as recited in independent claims 1 and 28, from which claims 4, 6, and 31 depend. Further, Walton also does not teach or suggest a tracking system as recited in independent claim 28, neither alone nor in combination with Augenblick and Carney. Rather, Walton simply allows for a plurality of identifiers to be distinguished rather than tracking at least one of a position and an orientation of a transponder. Therefore, the Applicant respectfully submits that claims 4, 6, and 31 are in condition for allowance.

The Applicant respectfully submits that the pending claims are also patentable over the prior art made of record and not relied upon by the Examiner.

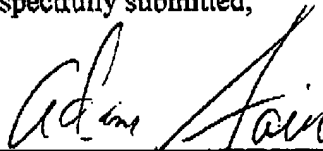
CONCLUSION

It is submitted that the present application is in condition for allowance and a Notice of Allowability is respectfully solicited. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of GTC, Account No. 07-0845.

Dated: January 4, 2006

Respectfully submitted,



Adam J. Faier
Reg. No. 56,898

McAndrews, Held & Malloy, Ltd.
500 West Madison Street
34th Floor
Chicago, IL 60661
Telephone: (312) 775-8000
Facsimile: (312) 775-8100

BEST AVAILABLE COPY